GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services – Commercial Taxes Department - Surprise check conducted over the Integrated Check Post, Bheemunivaripalem, Tada Mandal, SPSR Nellore District on 20.01.2016 – Allegations of Corruption – Common Disciplinary proceedings initiated - Inquiry under Rule 20 of the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991 - Articles of Charge framed against Sri Kunapareddy Vijay Shankar, Senior Assistant, Commercial Taxes Department – Orders - Issued.

REVENUE (VIGILANCE-II) DEPARTMENT

G.O.Rt.No.645 **Dated:07.06.2019**
Read:

G.O.Ms.No.311, Revenue (Vigilance – II) Department, Dated 07.06.2019.

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O R D E R :

In continuation of the orders issued under Rule 24 of the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991 in the reference read above, it is considered necessary to hold an enquiry against Sri Kunapareddy Vijay Shankar, Senior Assistant, Commercial Taxes Department, Integrated Check Post, Bheemunivaripalem, Tada Mandal, SPSR Nellore District under Rule 20 of the said rules.

2. The substance of the imputation of misconduct or misbehavior in respect of which the inquiry is proposed to be held is set out in the enclosed statement of articles of charge (Annexure-I) and the imputation of misconduct or misbehavior in support of each article of charge is enclosed (Annexure-II). A list of documents by which and a list of witnesses by whom the articles of charge are proposed to be sustained are also enclosed (Annexure-III & IV).

3. Sri Kunapareddy Vijay Shankar, Senior Assistant, Commercial Taxes Department, Integrated Check Post, Bheemunivaripalem, Tada Mandal, SPSR Nellore District is directed to submit within ten days of the receipt of this order a written statement of his defense.

4. He is informed that an inquiry will be held only in respect of those articles of charge as are not admitted. He should, therefore, specifically admit or deny each article of charge.

5. Sri Kunapareddy Vijay Shankar, Senior Assistant, Commercial Taxes Department, Integrated Check Post, Bheemunivaripalem, Tada Mandal, SPSR Nellore District is further informed that if he does not submit his written statement of defense on or before the date specified in para 3 above, or otherwise fails or refuses to comply with the provisions of Rule 20 of the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991 or the orders / directions issued in pursuance of the said rules, the Inquiring Authority may hold the inquiry against him ex-parte.

6. Attention of Sri Kunapareddy Vijay Shankar, Senior Assistant, Commercial Taxes Department, Integrated Check Post, Bheemunivaripalem, Tada Mandal, SPSR Nellore District is invited to Rule 24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964 under which no Government servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interests in respect of matters pertaining to

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his service under Government. If any representation is received on his behalf from another person in respect of any matter dealt within these proceedings, it will be presumed that he is aware of such a representation and that it has been made at his instance and action will be taken against him for violation of Rule 24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964.

7. The receipt of this order may be acknowledged.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Dr.D.SAMBASIVA RAO
SPECIAL CHIEF SECRETARY TO GOVERNMENT (CT, EXCISE & R&S)

To

Sri Kunapareddy Vijay Shankar, Senior Assistant, Commercial Taxes Department, Integrated Check Post, Bheemunivaripalem, Tada Mandal, SPSR Nellore District (w.e, Annexures-I to IV) **through** the Commissioner of Commercial Taxes, Andhra Pradesh, Eedupugallu, Vijayawada. (with a request to serve the order on the individual and send the served copy with dated signature to Government)

The Commissioner of Commercial Taxes, Andhra Pradesh, Eedupugallu, Vijayawada.

Copy to:

The Director General, Anti Corruption Bureau, Pandit Nehru Bus Station, NTR Administration Block, 2nd Floor, Andhra Pradesh, Vijayawada.

SF/SC.

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ANNEXURE-I

STATEMENT OF ARTICLE OF CHARGE FRAMED AGAINST SRI KUNAPUREDDY VIJAY SHANKAR, S/O SUBBA RAO, AGE: 40 YEARS, OCC: SR.ASST, COMMERCIAL TAX DEPARTMENT, OUT GOING CHECK POST, ICP, B.V.PALEM, TADA MANDAL, SPSR NELLORE DISTRICT

That Sri K Vijay Shankar joined in Government Service on 05.02.1997 as Junior Assistant and got promotion as Sr. Asst. on 07.01.2013 and working as Senior Assistant on deputation to the Outgoing Commercial Check Post of Integrated Check Post, Bheemuni Vari Palem Village, Tada Mandal of SPSR Nellore District since 19.12.2015. His date of birth is 11.01.1978. His date of retirement on attaining the age of superannuation is 31.01.2038. While functioning as Senior Assistant, Commercial Tax Department (Outgoing Check Post), Integrated Check Post, B.V. Palem, Tada (Mandal) committed grave misconduct in as

CHARGE:- That Sri K.Vijaya Shankar, Occ: Senior Assistant, Commercial Tax Department (Outgoing Check Post), Integrated Check Post, BV Palem, Tada Mandal being a public servant on duty together with one Junior Assistant found with usual collection amount of Rs.4,400/- and also allowed the crew of the vehicles passing through the check post to pay the amounts ranging from Rs.20/- to Rs.200/- and allowing them to flouted the rules.

Thus, Sri K.Vijay Shankar, Senior Assistant by the above mentioned acts has exhibited lack of integrity, devotion to duty and conduct unbecoming of a Government Servant and thereby violated Rule 3 (1), (2) & (3) of Andhra Pradesh Civil Services (Conduct) Rules, 1964.

Dr.D.SAMBASIVA RAO
SPECIAL CHIEF SECRETARY TO GOVERNMENT (CT, EXCISE & R&S)

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ANNEXURE – II

STATEMENT OF IMPUTATIONS IN SUPPORT OF ARTICLE OF CHARGE FRAMED AGAINST SRI KUNAPUREDDY VIJAY SHANKAR, S/O SUBBA RAO, AGE: 40 YEARS, OCC: SR.ASST, COMMERCIAL TAX DEPARTMENT, OUT GOING CHECK POST, ICP, B.V.PALEM, TADA MANDAL, SPSR NELLORE DISTRICT

That Sri K Vijay Shankar, Senior Assistant is a native of Nellore, SPSR Nellore District and joined in Government Service on 05.02.1997 as Junior Assistant and got promotion as Senior Assistant on 07.01.2013 and working as Senior Assistant on deputation to the Outgoing Commercial Check Post of Integrated Check Post, Bheemuni Vari Palem Village, Tada Mandal of SPSR Nellore District since 19.12.2015. His date of birth is 11.01.1978. His date of retirement on attaining the age of superannuation is 31.01.2038. He is here-in-after referred to as Government Servant.

CHARGE:- That Sri K.Vijaya Shankar, Occ: Senior Assistant, Commercial Tax Department (Outgoing Check Post), Integrated Check Post, BV Palem, Tada Mandal being a public servant on duty together with one Junior Assistant found with usual collection amount of Rs.4,400/- and also allowed the crew of the vehicles passing through the check post to pay the amounts ranging from Rs.20/- to Rs.200/- and allowing them to flouted the rules.

FACTS AND EVIDENCE:-

On credible information that the officers and staff of Integrated Check Post, B.V.Palem, Tada Mandal, SPSR Nellore District are indulging in corrupt practices and collecting illegal gratifications/mamools from the crew of vehicles plying through Integrated Check Post, B.V.Palem, a surprise check was conducted over Transport Wing, Commercial Taxes Incoming and Outgoing Wings of Integrated Check Post, B.V.Palem on 20.01.2016 from 07.45 am to 12.30 am with three teams headed by the Deputy Superintendent of Police, Anti Corruption Bureau Nellore Range, Nellore in the presence of mediators. The surprise check revealed the following irregularities and violations. The officials of Outgoing Check Post engaged two private persons for collecting mamools ranging from Rs.20/- To Rs.200/- from the crew of the vehicles as usual practice for ignoring the violations. At the time of surprise check 1) Sri K Vijay Shankar, Senior Assistant 2) Sri N Venkata Ramaiah, Junior Assistant 2) Sri N V Ramanaiah, Junior Assistant 3) Sri Manrda Raju, Royalty Inspector and 4) Sri Poluboina Venkata Krishnaiah, Forest Section are on duty and the same was reflected in the Duty Register and 1) Sri Dandu Polaiah, was not found during the surprise check, on enquiry with Administrative Officer, he stated that the Dandu Polaiah left just before arrival of Anti Corruption Bureau Surprise Check party. The Deputy Superintendent of Police verified the Attendance Register, it was noticed that 1) Sri Dandu Polaiah signed in the register on the shift duty of 19.01.2016 (08.00 pm) to 20.01.2016 (08.00 am). It is presumed that on observing the arrival of Surprise Check Part, Dandu Polaiah, staff of Integrated Check Post, B.V. Palern might have been escaped from the duties who has suppose to present in the duties till 08.00 am on 20.01.2016.

It is also found that an amount of Rs.4,400/- was present on the counter table of Commercial Taxes wing by the Head Constable O.Srinivasulu and we the mediators. When the Deputy Superintendent of Police questioned them, about allowing of above amounts from the drivers of vehicle, the Senior Assistant, Junior Assistant, Royalty Inspector and Forest Section Officer did not give any reply and kept silent. The Deputy Superintendent of Police seized the unaccounted amount of Rs.4,400/-.

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While surprise check is going on, as usual the crew of the vehicles plying through the Outgoing Commercial Check Post (ICP) visiting the counters of the said check post and voluntarily given Rs.20/-, Rs.30/-, Rs.50/-, and Rs.100/- each and obtaining round stamp of Commercial Tax Department from the Senior Assistant. At random crew of the vehicles who paid formalities / mamools to the officials of Outgoing commercial tax check post were secured and examined.

When examined they categorically stated that they are paying amounts as mamools as a regular practice to them and they are paying the mamools to the officials of out going Commercial Tax check post for entering the details of way bills in computers and overlook the violations they usually committed in transportation of goods and materials from one state to another state. Their statements were obtained.

The Deputy Superintendent of Police confronted the version of the crew of vehicles who paid mamools and when the Deputy Superintendent of Police asked about the unaccounted amount of Rs.4,400/-, all are kept silent and did not say anything. During the course of their explanation they failed to produce any record to prove the same and it is clearly mentioned in the statement of crew of the vehicles. They categorically stated the staff of Outgoing Commercial Tax Check post Wing officials are collecting mamools for free passage of the vehicles without putting any obstacles.

Thus an amount of Rs.4,400/- was seized at the Out Going Commercial Tax Check Post Wing.

Therefore the Government Servant Sri K.Vijay Shankar by his above-mentioned acts has exhibited lack of integrity, devotion to duty and conduct unbecoming of a Government Servant and thereby contravened Rule 3 (1) (2) & (3) of Andhra Pradesh Civil Services (Conduct) Rules, 1964.

Thus the Government Servant has therefore rendered himself liable for departmental action for major penalty for his misconduct.

Dr.D.SAMBASIVA RAO
SPECIAL CHIEF SECRETARY TO GOVERNMENT (CT, EXCISE & R&S)

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SECTION OFFICER

ANNEXURE – III

LIST OF DOCUMENTS

1) Duty Register (Attendance Register) of ICP, B.V.Palem, Tada Mandal
2) Personal Cash Register of ICP, B.V. Palem, Tada Mandal
3) Personal Cash Register of Out Sourcing Employees of ICP, B.V. Palem, Tada Mandal
4) Duty Chart of Commercial Taxes wing officials of ICP, B.V. Palem, Tada (M), SPSR Nellore District - for the month of January, 2016
5) Letter of Commercial Tax Officer, Gudur Circle, SPSR Nellore District in Rc.No.06/2015/A1 Dated: 25.01.2016 - Containing the service particulars of Sri K. Vijaya Shankar and one other.
6) Rough Sketch of Scene of Offence, Dt: 20.01.2016.
7) Surprise Check Proceedings drafted on 20.01.2016 for the Surprise Check conducted over the ICP, BV Palem, Tada Mandal, SPSR Nellore District
8) Signed Statements of
   a) Sri Rajesh Janaki Ram S/o Rajesh, Age: 28 Years, Occ: Driver, R/o: D.No.1130, Kannagaipet, Red Hills, Chennai, Tamil Nadu
   b) Sri Ravuri Ganesh S/o Pullaiah, Age: 24 Years, Occ: Driver R/o: Polluru Centre, Mylavaram Village, Krishna District, AP
   c) Sri Balipaka Dasaiah S/o Penchalaiah, Age: 39 Years, Occ: Driver, R/o: N.R. Palli(V), Chillakuru(M), SPSR Nellore District, A.P

Dr.D.SAMBASIVA RAO
SPECIAL CHIEF SECRETARY TO GOVERNMENT (CT, EXCISE & R&S)

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ANNEXURE - IV

LIST OF WITNESSES

1) Sri Rajesh Janaki Rain S/o Rajesh, Age: 28 Years, Occ: Driver, R/o: D.No.1130, Kannagaipet, Red Hills, Chennai, Tamil Nadu, cell: 9786526095, Vehicle No.AP 26 TB 1489, Load: Multiple Goods, Telangana to Tamil Nadu

   He speaks about paying amount as mammool as regular practie to the officials of Outgoing Commercial Tax Wing check Post for not looking into the violations committed in transportation of goods and materials

2) Sri Ravuri Ganesh S/o Pullaiah, Age: 24 Years, Occ: Driver R/o: Polluru Centre, Mylavaram Village, Krishna District, AP., cell: 9640146511, Vehicle No. AP 16 TC 7997, from Vijayawada to Tamil Nadu, Load: Multible Goods

   He speaks about paying amount as mammool as regular practie to the officials of Outgoing Commercial Tax Wing check Post for not looking into the violations committed in transportation of goods and materials

3) Sri Balipaka Dasaiah S/o Penchalaiah, Age: 39 Years, Occ: Driver, R/o: N.R. Palli(V), Chillakuru(M), SPSR Nellore District, A.P., cell: 8978894776, Vehicle No.AP 26 TD 3121, from Gudur to Tamil Nadu, Load: Pickles

   He speaks about paying amount as mammool as regular practie to the officials of Outgoing Commercial Tax Wing check Post for not looking into the violations committed in transportation of goods and materials

4) Sri Chintapatri Soma Sekhar S/o Ramaiah, Age: 40 years, Asst. Treasury Officer, O/o. DTO, Nellore R/o Flat No.5, Manasvi Kuteer, Magunta Lay Out, Nellore, SPSR Nellore District. (Mediator No.1)

   He is the mediator, he speaks about the contents of the surprise check proceedings at the time of surprise check over the Transport wing Check Post on 20.01.2016.

5) Sri Chilakamarti Venkata Krishna S/o Late Surya Narayana Murty, Age: 32 years, Senior Assistant, O/o. DTO, Nellore R/o: LIG-II, APHB Colony, Near Collector Bungalow, Srikakulam. (Mediator No.2)

   He is the mediator, he speaks about the contents of the surprise check proceedings at the time of surprise check over the Transport wing Check Post on 20.01.2016.

6) Sri Patti Mahesh S/o. Mastan Naidu, Age: 26 Years, Asst. Executive Engineer, Irrigation Department O/o. Executive Engineer, Drainage Division, Ramalingapuram, Nellore R/o: Veligantipalem, Podalakur(M), SPSR Nellore District (Mediator)

   He is the mediator, he speaks about the contents of the surprise check proceedings at the time of surprise check over the Incoming Commertial Tax Wing Check Post on 20.01.2016.

7) Sri Bachiraju Srinivas Kiran Kumar S/o. B. Sundara Raja Rao, Age: 26 Years, Jr.Asst, O/o. Supdt. Engineer, Irrigation Circle, Nellore R/o: MIG-245, KPHB Colony, Kallurupalli(V), SPSR Nellore District (Mediator)

   He is the mediator, he speaks about the contents of the surprise check proceedings at the time of surprise check over the Incoming Commercial Tax Wing Check Post on 20.01.2016.

8) Sri Nimmalla. Ankaiah S/o. Tirupaiah, Age: 39 Years, Occ: Head Master, ZPHS Mudivarthi, Vidavaluru(M) R/o: Penubarthi (V), Rapur(M), SPSR Nellore District (Mediator)

   He is the mediator, he speaks about the contents of the surprise check proceedings at the time of surprise check over the Outoging Commercial Tax Wing Check Post on 20.01.2016.

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9) Sri Shaik. Tullman' Hussian S/o. Moula Saheb, Age: 54 Years, Occ: School Assistant(English), ZPHS Mudivarthi, Vidavluru(M) R/o: D.No.25-2-531, 12th Street, Lake View Colony, Podalakur Road, Nellore (Mediator)

   He is the mediator, he speaks about the contents of the surprise check proceedings at the time of surprise check over the Outgoing Commercial Tax Wing Check Post on 20.01.2016.

10) Sri N. Siva Kumar Reddy, Inspector of Police, ACB, Nellore Range, Nellore

11) Sri T. Prabhakar, the then Dy.Supdt. of Police, ACB, Nellore Range, Nellore now working as DSP, ACB, Ongole, Prakasam District.

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